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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,023	01/02/2002	Gregory C. Kime	42390P12859	7085
8791	7590	01/26/2005		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			EXAMINER AVELLINO, JOSEPH E	
			ART UNIT 2143	PAPER NUMBER

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/038,023	Applicant(s) KIME ET AL.	
	Examiner Joseph E. Avellino	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/2/02</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-30 are presented for examination; claims 1, 4, 9, 15, 19, 23, and 28 independent.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 9-13, 15-20, 23-25, 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Rajasekharan et al. (USPN 6,480,961) (hereinafter Rajasekharan).

3. Referring to claim 1, Rajasekharan discloses a method comprising:

receiving a request for a data stream from a client (an inherent feature of the system since the data would not be sent to the client had there not been a request to retrieve the stream);

sampling the data stream and generating one or more fingerprint blocks for one or more sampled portions of the data stream (an inherent feature since Rajasekharan discloses the content integrity values are stored in the server col. 4, lines 13-23 and

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these values would not exist if the data was not sampled and the fingerprint blocks generated);

sending one or more fingerprint blocks (i.e. content integrity values in authorization data) to the client (col. 4, lines 6-12); and

sending the data stream to the client (col. 4, lines 50-64).

4. Referring to claim 2, Rajasekharan discloses sending to the client parameters for sampling the data stream (i.e. strength of security desired) (col. 4, lines 60-64).

5. Referring to claim 3, Rajasekharan discloses generating one or more fingerprint blocks comprises generating a CRC (i.e. hash) values for the one or more sampled portions of the data stream (col. 4, line 65 to col. 5, line 3).

6. Claims 4-5 are rejected for similar reasons as stated above.

7. Referring to claim 6, Rajasekharan discloses generating an error message at the client if one or more fingerprint blocks do not match one or more fingerprint blocks generated at the server (col. 5, lines 4-9).

8. Claims 9-11 are rejected for similar reasons as stated above.

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9. Referring to claim 12, Rajasekharan discloses sending fingerprint blocks generated at the server through a first connection between the server and client (col. 4, lines 4-12); and

sending the data stream through a second connection between the server and the client (it is well known that in HTTP, which is used over the Internet, the connection is closed after data is transmitted to the destination and in order to transmit data again, as in a new data stream, a new session connection must be created between the client and the server).

10. Claims 13, 15-20, 23-25, 28-30 are rejected for similar reasons as stated above. Furthermore Rajasekharan discloses a packetizer for creating packets (i.e. an inherent feature in any Internet server), and to generate an error message if a threshold percentage of fingerprint blocks do not match (Figure 4, ref. 450 and related portions of the disclosure).

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7, 8, 14, 21, 22, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajasekharan.

13. Referring to claim 7, Rajasekharan discloses the invention substantively as described in claim 4. Rajasekharan furthermore discloses communicating an error message to the server from the client if one or more fingerprint blocks do not match one or more fingerprint blocks generated at the server as seen in claim 6, however does not specifically state that this message is transmitted to the server from the client. It is well known in the art that error messages are transmitted between server and clients for error messages (i.e. NACK's) and would be an obvious modification to the system of Rajasekharan in order to alert system administrators that there is an unauthorized user attempting to download content off the server, thereby providing increased security with the system.

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14. Referring to claim 8, Rajasekharan discloses the invention substantively as described in claim 4. Rajasekharan does not specifically state communicating a valid status message to the server from the client but does state generating a signal (Figure 4, ref. 450), and it is well known in the art for clients to generate valid messages (i.e. ACK's) to servers and would be an obvious modification to the system of Rajasekharan in order for transmission auditing and determining if there is any degradation in the transmission along the route, thereby providing checks in order to ensure the client has received the stream and there is no problems with the software.

15. Claims 14, 21, 22 are rejected for similar reasons as stated above.

16. Referring to claim 26, Rajasekharan discloses the invention substantively as described in claim 25, Rajasekharan does not specifically disclose the threshold is adjustable, however Rajasekharan does disclose that checks can be done according to the strength of security involved (col. 4, lines 63-65). This would lead one of ordinary skill in the art to determine what could be determined by the "strength of security involved", which would determine the error rate in a distribution system which is common knowledge to one of ordinary skill in the art. Therefore it would have been obvious to one of ordinary skill in the art to provide an adjustable threshold in order to reduce processing on error rates on low security movies (i.e. shareware) and reserve this for high security data (i.e. classified material).

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17. Referring to claim 27, Rajasekharan discloses the invention substantively as described in claim 23. Rajasekharan does not specifically disclose generating a log file to store results of comparing the fingerprint blocks to the ones generated at the server. Rajasekharan does disclose that the message is generated whether it is an error message or a valid message and would therefore be obvious to capture this output into a log file (well known in the art as "piping" output to a text file) which would aid in debugging applications and for transaction demographics (i.e. where are errors occurring and with which integrity values are they occurring upon) which would help by providing information not readily available to the user in an easy-to understand format.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. Tahara et al. (USPN 6,834,083) discloses data transmitting for use in transmitting serial digital data.

20. Morin (US 2002/0138736) discloses digitally signing MPEG streams.

21. Fisher (USPN 5,237,593) discloses sequence synchronization.

22. Jeong (USPN 6,327,262) discloses sample value extraction apparatus in DSS systems.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEA  
January 19, 2005

Will C. Vaughn  
Primary Examiner  
Art Unit 2143  
William C. Vaughn Jr.